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BEFORE THE ARIZONA CORPORATION COMMISSION

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COMMISSIONERS

Arizona Corporation Commission

DOCKETED

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MARC SPITZER, Chairman

WILLIAM A. MUNDELL AUG 10 2004

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JEFF HATCH-MILLER

MIKE GLEASON

KRISTIN K. MAYES

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AZ CORP COMMISSION
DOCUMENT CONTROL

IN THE MATTER OF THE APPLICATION OF
NEW RIVER UTILITY COMPANY FOR AN
EXTENSION OF ITS EXISTING CERTIFICATE
OF CONVENIENCE AND NECESSITY IN
MARICOPA COUNTY, ARIZONA.

DOCKET NO. W-01737A-04-0502

PROCEDURAL ORDER

BY THE COMMISSION:

On July 9, 2004, New River Utility Company ("Company" or "Applicant"), filed an application for an extension of its Certificate of Convenience and Necessity ("Certificate") with the Arizona Corporation Commission ("Commission") to provide public water utility service to various parts of Maricopa County, Arizona.

On August 9, 2004, pursuant to A.A.C. R14-2-411(C), the Commission's Utilities Division ("Staff") issued notice of sufficiency and in accordance with A.R.S. § 41-1074(A), the application herein is deemed administratively complete.

Pursuant to A.A.C. R14-3-101, the Commission now issues this Procedural Order to govern the preparation and conduct of this proceeding.

IT IS THEREFORE ORDERED that a hearing shall commence on September 30, 2004 at 9:30 a.m., or as soon thereafter as is practical, at the Commission's offices, 1200 West Washington Street, Phoenix, Arizona 85007.

IT IS FURTHER ORDERED that Staff shall file its Staff Report by September 13, 2004.

IT IS FURTHER ORDERED that any objections to the Staff Report and associated exhibits to be presented at hearing by Applicant shall be reduced to writing and filed on or before 4:00 p.m. on September 20, 2004.

IT IS FURTHER ORDERED that intervention shall be in accordance with A.A.C. R14-3-105, except that all motions to intervene must be filed on or before September 21, 2004.

IT IS FURTHER ORDERED that Applicant shall provide public notice of the hearing in this

1 matter, in the following form and style:

2 **PUBLIC NOTICE OF THE HEARING FOR**
3 **NEW RIVER UTILITY COMPANY FOR AN EXTENSION OF ITS**
4 **CERTIFICATE OF CONVENIENCE AND NECESSITY**
5 **Docket No. W-01737A-04-0502**

6 On July 9, 2004, New River Utility Company ("Applicant") filed an application for
7 an extension of its CC&N to various parts of Maricopa County, Arizona.

8 The application is available for inspection during regular business hours at the offices
9 of the Commission in Phoenix, at 1200 West Washington Street, Phoenix, Arizona
10 and at the Applicant's office, [insert office address].

11 The Commission will hold a hearing on this matter commencing on September 30,
12 2004 at 9:30 a.m. at the Commission's offices, 1200 West Washington Street,
13 Phoenix, Arizona. Public comments will be taken on the first day of the hearing.

14 The law provides for an open public hearing at which, under appropriate
15 circumstances, interested parties may intervene. Intervention shall be permitted to
16 any person entitled by law to intervene and having a direct and substantial interest in
17 the matter. Persons desiring to intervene must file a written motion to intervene with
18 the Commission, which motion should be sent to Applicant or its counsel and to all
19 parties of record, and which, at the minimum, shall contain the following:

- 20 1. The name, address, and telephone number of the proposed intervenor and of
21 any party upon whom service of documents is to be made if different than the
22 intervenor.
- 23 2. A short statement of the proposed intervenor's interest in the proceeding (e.g.,
24 a customer of Applicant, a shareholder of Applicant, a competitor, etc.).
- 25 3. A statement certifying that a copy of the motion to intervene has been mailed
26 to the Applicant or its counsel and to all parties of record in the case.

27 The granting of motions to intervene shall be governed by A.A.C. R14-3-105, except
28 that all motions to intervene must be filed on or before September 21, 2004. The
granting of intervention, among other things, entitles a party to present sworn
evidence at hearing and to cross-examine other witnesses. However, failure to
intervene will not preclude any customer from appearing at the hearing and making a
statement on such customer's own behalf.

If you have any questions or concerns about this application or have any objections
to its approval, or wish to make a statement in support of it, you may write the
Consumer Services Section of the Commission at 1200 West Washington Street,
Phoenix, Arizona 85007 or call 1-800-222-7000 or appear at the hearing and make
comment.

The Commission does not discriminate on the basis of disability in admission to its
public meetings. Persons with a disability may request a reasonable accommodation
such as a sign language interpreter, as well as request this document in an alternative
format, by contacting the ADA Coordinator, voice phone number 602/542-3931, E-
mail YMcFarlin@cc.state.az.us. Requests should be made as early as possible to
allow time to arrange the accommodation.


1 IT IS FURTHER ORDERED that Applicant shall cause the above notice to be published at
2 least once in a newspaper of general circulation in its service territory, with publication to be
3 completed no later than September 1, 2004.

4 IT IS FURTHER ORDERED that Applicant shall file certification of publication as soon as
5 practicable after the publication has been completed.

6 IT IS FURTHER ORDERED that notice shall be deemed complete upon publication of same,
7 notwithstanding the failure of an individual customer to read or receive the notice.

8 IT IS FURTHER ORDERED that the presiding Administrative Law Judge may rescind, alter,
9 amend, or waive any portion of this Procedural Order either by subsequent Procedural Order or by
10 ruling at hearing.

11 DATED this 10th day of August, 2004.


MARC E. STERN
ADMINISTRATIVE LAW JUDGE


14 Copies of the foregoing mailed/delivered
15 this 10 day of August, 2004 to:

16 Jay L. Shapiro
17 Patrick J. Black
18 FENNEMORE CRAIG
19 3003 N. Central Avenue, Ste. 2600
20 Phoenix, AZ 85012
21 Attorneys for New River Utility Company

22 Christopher Kempley, Chief Counsel
23 Legal Division
24 ARIZONA CORPORATION COMMISSION
25 1200 West Washington Street
26 Phoenix, Arizona 85007

27 Ernest Johnson, Director
28 Utilities Division
ARIZONA CORPORATION COMMISSION
1200 West Washington Street
Phoenix, Arizona 85007

ARIZONA REPORTING SERVICE, INC.
2627 N. Third Street, Suite Three
Phoenix, Arizona 85004-1104

27 By: 
28 Molly Johnson
Secretary to Marc Stern